

ANADROMOUS FISH CONSERVATION ACT AUTHORIZATIONS

APRIL 25, 1989.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. JONES of North Carolina, from the Committee on Merchant Marine and Fisheries, submitted the following

REPORT

[To accompany H.R. 1224]

[Including cost estimate of the Congressional Budget Office]

The Committee on Merchant Marine and Fisheries, to whom was referred the bill (H.R. 1224) to authorize appropriations to carry out the Anadromous Fish Conservation Act through fiscal year 1992, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to authorize appropriations of \$8,000,000 for each of fiscal years 1990, 1991, and 1992 to carry out the purposes of the Anadromous Fish Conservation Act.

BACKGROUND AND NEED FOR LEGISLATION

The Anadromous Fish Conservation Act (AFCA) was enacted in 1965 for the purpose of managing, conserving, and enhancing the nation's anadromous fishery resources, including those of the Great Lakes and Lake Champlain that ascend rivers and streams to spawn. The Act establishes the only comprehensive Federal grants program specifically designed to protect and enhance the nation's anadromous fish resources. Among the species covered by the Act are salmon, striped bass, walleye, shad, sturgeon, and steelhead trout, all of which contribute significantly to commercial and recreational fisheries in 32 coastal and Great Lakes states.

Human activities have a heavy impact on the quality of freshwater and estuarine habitats essential to the health of anadromous

fish. Environmental and physical barriers can impede the ability of anadromous fish to complete their upstream spawning migration, causing significant reductions in fish populations. Because anadromous species typically transcend state, Federal, and international boundaries, a broad range of Federal-state and international coordination and expertise is required to address these problems and effectively manage anadromous fish resources.

The AFCA authorizes the Secretaries of the Interior and Commerce each to enter into cooperative agreements with states and other non-Federal organizations (such as universities and Indian tribes) for projects to carry out the objectives of the Act. Federal assistance is authorized in the form of matching grants for fisheries research projects, construction, and maintenance of fish hatcheries, fish ladders and other facilities, and for the collection of statistics. Participants in the program are required to provide 50 percent of the project costs. Projects implemented by more than one state are eligible to receive up to 66 percent Federal support, and projects involving fishery resources managed under an interstate management plan are entitled to Federal support of up to 90 percent.

COMMITTEE ACTION

On March 1, 1989, Representatives Studds, Jones of North Carolina, and Young of Alaska introduced H.R. 1224, a bill to authorize appropriations to carry out the Anadromous Fish Conservation Act through fiscal year 1992. The bill was referred to the Committee on Merchant Marine and Fisheries, and on March 16, the Subcommittee on Fisheries and Wildlife Conservation and the Environment held a hearing on it. Testimony was received from representatives of the National Marine Fisheries Service (NMFS) of the Department of Commerce, the U.S. Fish and Wildlife Service (FWS) of the Department of the Interior, the Atlantic States Marine Fisheries Commission (ASMFC), the Pacific Marine Fisheries Commission (PMFC), and the Sport Fishing Institute (SFI).

Representatives from NMFS and FWS opposed the continuation of the Anadromous Fish Conservation Act, claiming that the original program goals have been achieved and that responsibility for existing programs should now rest with the states. Testimony from the fisheries commissions cited numerous achievements of existing AFCA-supported projects, detailed the importance of these projects to the Nation's anadromous fishery resources, and stressed the need for continued Federal support. In addition to expressing strong support for the bill, the SFI witness testified against the suggestion to replace AFCA funding with monies from the Wallop-Breaux Sport Fish Restoration Program.

On April 12, 1989, the Subcommittee on Fisheries and Wildlife Conservation and the Environment met to consider H.R. 1224. No amendments were offered and, by unanimous voice vote, the Subcommittee ordered H.R. 1224 reported favorably to the Committee.

The Committee on Merchant Marine and Fisheries met on April 18, 1989 to mark up H.R. 1224. No amendments were offered, and the Committee ordered H.R. 1224 reported favorably to the House by unanimous voice vote.

SECTION-BY-SECTION ANALYSIS

Section 1 authorizes the appropriation of funds under Section 4 of the Act at a level of \$8,000,000 per year for fiscal years 1990, 1991, and 1992.

COST OF LEGISLATION

The provisions of clause 7 of rule XIII of the Rules of the House of Representatives do not apply where a cost estimate and comparison prepared by the Congressional Budget Office has been completed and included in the report.

INFLATIONARY IMPACT STATEMENT

With respect to the requirements of clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 1224 will have no significant impact on inflation or the economy.

COMPLIANCE WITH CLAUSE 2(l)(3) OF RULE XI

In compliance with clause 2(l)(3) of rule XI of the Rules of the House of Representatives:

(a) The Subcommittee on Fisheries and Wildlife Conservation and the Environment held a hearing on H.R. 1224 on March 16, 1989.

(b) The Committee on Merchant Marine and Fisheries has received no report from the Committee on Government Operations pursuant to clause 4(c)(2) of rule X of the Rules of the House of Representatives, of oversight findings and recommendations on the subjects addressed by H.R. 1224.

(c) The Director of the Congressional Budget Office has furnished the Committee with a report fulfilling the requirements of section 308(a) of the Congressional Budget Act of 1974 and an estimate and comparison of cost of H.R. 1224 pursuant to section 403 of the Congressional Budget Act of 1974. The report reads as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 21, 1989.

Hon. WALTER B. JONES,
*Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for H.R. 1224, a bill to authorize appropriations to carry out the Anadromous Fish Conservation Act through fiscal year 1992.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER.

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill number: H.R. 1224.

2. Bill title: A bill to authorize appropriations to carry out the Anadromous Fish Conservation Act through fiscal year 1992.

3. Bill status: As ordered reported by the House Committee on Merchant Marine and Fisheries, April 18, 1989.

4. Bill purpose: H.R. 1224 would reauthorize the cooperative program carried out by the Departments of Commerce and the Interior under Section 4 of the Anadromous Fish Conservation Act. The bill would authorize \$8 million a year through 1992. These funds would be used to provide grants to states and others for projects aimed at the conservation and development of anadromous fisheries resources.

Fiscal year 1989 appropriations for this program were about \$3.9 million, of which \$2.4 million was allocated to the Department of Commerce and \$1.5 million was allocated to the Department of the Interior. The President's fiscal year 1990 budget request contains no grant funding for either department.

5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1990	1991	1992	1993	1994
Authorization level.....	8	8	8		
Estimated outlays.....	6	8	8	2	

The costs of this bill fall within budget function 300.

Basis of estimate: For purposes of this estimate, it is assumed that H.R. 1224 will be enacted during fiscal year 1989, and that all amounts authorized will be appropriated for each fiscal year. Outlays have been estimated on the basis of historical spending patterns for this program.

6. Estimated cost to State and local governments: None.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Deborah S. Reis.

10. Estimate approved by: C.G. Nuckols, for James L. Blum, Assistant Director for Budget Analysis.

DEPARTMENTAL REPORTS

The Committee on Merchant Marine and Fisheries has received the following report from the Department of Commerce:

GENERAL COUNSEL OF THE
U.S. DEPARTMENT OF COMMERCE,
Washington, DC, April 5, 1989.

HON. WALTER B. JONES,
Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Commerce on H.R. 1224, a bill "To authorize appropriations to carry out the Anadromous Fish Conservation Act through fiscal year 1992."

Enclosed is a copy of the Department of Commerce's testimony for a March 16, 1989, hearing on H.R. 1224 before the House Subcommittee on Fisheries and Wildlife Conservation and the Environment.

Our testimony states that the Department does not support reauthorization of the Anadromous Fish Conservation Act.

The Office of Management and Budget advises that there is no objection to the submission of this report to the Congress from the standpoint of the Administration's program.

Sincerely,

MICHAEL A. LEVITT,
Acting General Counsel.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, as amended, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

16 U.S.C. 757d(a)

§ 757d. Funding

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the purposes of sections 757a to 757g of this title not to exceed the following sums:

- [(1) \$11,000,000 for fiscal year 1980.
- [(2) \$13,000,000 for fiscal year 1981.
- [(3) \$15,000,000 for fiscal year 1982.
- [(4) \$7,500,000 for each of fiscal years 1983, 1984, 1985, and 1986.
- [(5) \$7,702,500 for fiscal year 1987.
- [(6) \$7,920,000 for fiscal year 1988.
- [(7)] (1) \$8,152,500 for fiscal year 1989.
- (2) \$8,000,000 for each of the fiscal years 1990, 1991, and 1992.

Sums appropriated under this subsection are authorized to remain available until expended.

[COMMITTEE PRINT]

101ST CONGRESS

} HOUSE OF REPRESENTATIVES

R U L E S
OF THE
COMMITTEE ON
MERCHANT MARINE AND FISHERIES
HOUSE OF REPRESENTATIVES
FOR THE
101ST CONGRESS
APPROVED AND ADOPTED
FEBRUARY 2, 1989



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CONTENTS

	Page
Rule I. Applicability of House Rules	1
Rule II. Jurisdiction	1
Rule III. Functions	1
A. General Oversight Responsibilities	1
B. Annual Appropriations	2
C. Views and Estimates	2
Rule IV. Subcommittees	2
A. Applicability of Committee Rules	2
B. Standing Subcommittees	2
C. Other Subcommittees	2
D. Subcommittee Membership	2
E. Ex Officio and Other Committee Members	3
F. Subcommittee Meetings	3
G. Joint Subcommittee Markup	3
Rule V. Meetings	3
A. Regular Meetings	3
B. Additional Meetings	3
C. Meeting Notices	3
D. Special Meetings	4
E. Conflict with Party Caucus or Conference	4
F. Prohibition Against Meetings During Five-Minute Rule	4
Rule VI. Committee Procedure	4
A. Applicability of House Procedure	4
B. Referral of Legislation	5
C. Power To Sit and Act and Subpoena Power	5
D. Presiding Officer	5
E. Quorums for Meetings, Markups, and Hearings	5
F. Open Meetings	6
G. Closed Meetings	6
H. Closed Hearings	6
I. Investigative Hearings	6
J. Closed Investigative Hearings	7
K. Closed Investigative Hearings	7
L. Minority Witnesses	7
M. Points of Order	7
N. Ordering of Rollcall Votes	7
O. Proxies	8
P. Limitation on Floor Action Under Suspension of the Rules	8
Rule VII. Witnesses	8
A. Advance Testimony Requirements	8
B. Written Summary	8
C. Federal and Administration Witnesses	8
D. Ten Minute Oral Testimony	9
E. Investigative Hearing Witnesses	9
F. Responses/Information for the Record	9
Rule VIII. Broadcasting of Committee Meetings	9
Rule IX. Committee Records	10
A. Votes	10
B. Separate Files	10
C. Permanent Records	11
D. Open Hearings	11
E. Closed Meetings	11
F. Markup Transcripts	11
Rule X. Committee Reports and Publications	11

IV

	Page
Rule X. Committee Reports and Publications—Continued	
A. Activities Report	11
B. Procedures for Reporting	11
C. Minority, Supplemental or Additional Views	11
D. Committee Report Requirements	12
E. Approval by Chairman	13
Rule XI. Use of Committee Funds for Travel	13
A. Authorization	13
B. Trip Report	13
C. Domestic Travel	13
D. Foreign Travel	13
E. Lame-Duck Members	14
Rule XII. Committee and Subcommittee Staff	14
A. Hiring Practices/Terms of Employment	14
B. Limitation on Appointing Government Personnel	14
C. "Clause 5" Appointments	14
D. "Clause 6" Appointments	15
Rule XIII. Committee Budget	15
A. Annual Budget	15
B. Additional Expense Resolutions	16
C. Monthly Accounting	16
Rule XIV. Changes in the Committee Rules	16
Appendix. House Rule XI(2)(k)	17

RULES OF THE COMMITTEE ON MERCHANT MARINE AND FISHERIES

RULE I. APPLICABILITY OF HOUSE RULES

The Rules of the House insofar as they are applicable shall be the Rules of the Committee and its Subcommittees.

RULE II. JURISDICTION

As established in Rule X of the House Rules, the jurisdiction of the Committee on Merchant Marine and Fisheries is:

- (1) Merchant marine generally.
- (2) Oceanography and Marine Affairs, including coastal zone management.
- (3) Coast Guard, including lifesaving service, lighthouses, lightships, and ocean derelicts.
- (4) Fisheries and wildlife, including research, restoration, refuges, and conservation.
- (5) Measures relating to the regulation of common carriers by water (except matters subject to the jurisdiction of the Interstate Commerce Commission) and to the inspection of merchant marine vessels, lights and signals, lifesaving equipment, and fire protection on such vessels.
- (6) Merchant marine officers and seamen.
- (7) Navigation and the laws relating thereto, including pilotage.
- (8) Panama Canal and the maintenance and operation of the Panama Canal, including the administration, sanitation, and government of the Canal Zone; and interoceanic canals generally.
- (9) Registering and licensing of vessels and small boats.
- (10) Rules and international arrangements to prevent collisions at sea.
- (11) United States Coast Guard and Merchant Marine Academies, and State Maritime Academies.
- (12) International fishing agreements.

RULE III. FUNCTIONS

(A) *General Oversight Responsibilities.*—

(1) The Committee shall review and study, on a continuing basis:

- (a) the application, administration, execution, and effectiveness of those laws, or parts of laws, within its jurisdiction;
- (b) the organization and operation of the Federal agencies and entities having responsibilities in or for the ad-

ministration and execution of these laws in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated; and

(c) any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within its jurisdiction (whether or not any bill or resolution has been introduced with respect thereto).

(2) The Committee shall undertake future research and forecasting on matters within its jurisdiction.

(3) The Committee shall review and study on a continuing basis the impact or probable impact of tax policies affecting subjects within its jurisdiction.

(B) *Annual Appropriations.*—In its consideration of all public bills and joint resolutions, the Committee shall ensure that appropriations for continuing programs and activities will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. The Committee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.

(C) *Views and Estimates.*—On or before March 15 of each year, the Committee shall submit to the Committee on the Budget:

(1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions; and

(2) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

RULE IV. SUBCOMMITTEES

(A) *Applicability of Committee Rules.*—Written Rules adopted by the Committee, not inconsistent with the Rules of the House, shall be binding on each of its Subcommittees. Each Subcommittee is a part of the Full Committee and subject to its authority, direction, and Rules.

(B) *Standing Subcommittees.*—There shall be six standing Subcommittees: the Subcommittee on Merchant Marine; the Subcommittee on Fisheries and Wildlife Conservation and the Environment; the Subcommittee on Coast Guard and Navigation; the Subcommittee on Oceanography; the Subcommittee on Panama Canal/Outer Continental Shelf; and the Subcommittee on Oversight and Investigations.

(C) *Other Subcommittees.*—The Chairman, or a majority of the Committee, may establish, as determined to be appropriate for the conduct of Committee business, other special, select, or ad hoc committee.

(D) *Subcommittee Membership.*—

(1) The ratio of Majority Members to Minority Members on Subcommittees, including Ex Officio Members, shall be no less favorable to the Majority Party than the ratio of Membership on the Full Committee.

(2) A Committee Member may temporarily resign from his Subcommittee assignment to serve on another Subcommittee of the Committee in the event of a vacancy. Members returning to their Subcommittee assignment at the end of the temporary assignment shall return to their original assignment without prejudice to tenure or seniority.

(E) *Ex Officio and Other Committee Members.*—

(1) The Chairman and the Ranking Minority Member of the Full Committee shall serve as Ex Officio Members of all Subcommittees of which they are not designated as Chairman or Ranking Minority Member. They shall have the right to participate fully, including the right to vote on all matters before the Subcommittees, but shall not be counted in establishing the requirements of, or in determining, a quorum.

(2) Any Member of the Committee may sit with any Subcommittee of which he or she is not a Member during its hearings or meetings (including closed meetings) and participate therein, but may not vote on any matter, or be counted present for the purpose of determining a quorum, or raise points of order, or, except as the Subcommittee Chairman may permit, participate in questioning under the five-minute rule.

(F) *Subcommittee Meetings.*—

(1) Subcommittees may hold hearings, receive evidence, hear witnesses, and report to the Committee for final action, together with such recommendations as may be agreed upon by the Subcommittee, on such matters as the Chairman may refer to a Subcommittee.

(2) Dates for Subcommittee meetings shall be assigned as a result of consultation between the Chairman and Subcommittee Chairmen and as nearly as practicable in relation to, and in accordance with, workloads.

(3) Subcommittees shall not meet at the same time as the Full Committee without the express permission of the Chairman of the Committee.

(G) *Joint Subcommittee Markup.*—When two or more Subcommittees meet jointly to take action on any measure or matter, each Member shall be entitled to one vote on each amendment, motion, order, or proposition.

RULE V. MEETINGS

(A) *Regular Meetings.*—The Committee shall meet at 10 a.m., on the first Wednesday of each month in the Committee Hearing Room, 1334 Longworth House Office Building, while Congress is in session. This meeting may be dispensed with at the discretion of the Chairman, in consultation with the Ranking Minority Member, if there is no business.

(B) *Additional Meetings.*—The Chairman may call and convene additional meetings.

(C) *Meeting Notices.*—

(1) The date, time, place, and subject matter of meetings shall be announced to all Members of the Committee and the public at least one week in advance. If the Chairman, in consultation with the Ranking Minority Member, determines this is not possible, a public announcement and oral and confirming written notice to Committee Members shall be made at the earliest possible date.

(2) All meeting notices shall be promptly published in the Daily Digest and promptly entered into the Committee scheduling service of the House Information Systems.

(3) All Committee Members shall have adequate notice prior to Committee or Subcommittee investigations or hearings at locations other than Washington, D.C.

(D) *Special Meetings.*—

(1) Three or more Committee Members may file with the Committee Clerk, a signed, written request to the Chairman for a special meeting of the Committee, specifying the measure or matter to be considered.

(2) If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within seven calendar days after the filing of the request, a majority of the Members of the Committee may file with the Committee Clerk their signed, written notice that a special meeting of the Committee will be held, specifying the date and hour of, and the measure or matter to be considered at, that special meeting. The Committee shall meet on that date and hour. Only the measure or matter specified in that notice may be considered at that special meeting. Immediately upon the filing of that notice, the Clerk of the Committee shall notify all Members of the Committee of the special meeting.

(3) The above procedures also apply to Subcommittees, except that the number of Subcommittee Members required to request a special Subcommittee meeting is two, and a majority of the Members of the Subcommittee must file their signed written notice with the Subcommittee Clerk.

(E) *Conflict With Party Caucus or Conference.*—When a Party Caucus or Conference of either Party directly conflicts with a scheduled Committee meeting, the meeting of the Committee shall be cancelled. The Clerk of the Committee shall give oral and confirming written notice to that effect to all Committee Members. The Chairman shall reschedule the meeting at the earliest practical time.

(F) *Prohibition Against Meeting During the Five-Minute Rule and During Joint Sessions and Joint Meetings.*—The Committee may not sit, without special leave, while the House is reading a measure for amendment under the five-minute rule. The Committee may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

RULE VI. COMMITTEE PROCEDURE

(A) *Applicability of House Procedure.*—The procedure in the Committee and its Subcommittees shall follow the procedure of the House.

(B) *Referral of Legislation.*—

(1) All legislation and other matters referred to the Committee shall be referred by the Chairman to all Subcommittees of appropriate jurisdiction within two weeks, unless by majority vote of the Majority Party Members of the Full Committee or by agreement between or among the Chairman and all the Subcommittee Chairmen to whom the legislation or other matter would otherwise be referred, consideration is to be by the Full Committee.

(2) The Chairman may refer any measure or matter simultaneously to two or more Subcommittees for concurrent consideration, or for consideration in sequence (subject to appropriate time limitations in the case of any Subcommittee), or divide the matter into two or more parts (reflecting different subjects and jurisdictions) and refer each such part to a different Subcommittee.

(C) *Power To Sit and Act and Subpoena Power.*—

(1) For the purpose of carrying out any of its functions and duties under Rules X and XI of the House of Representatives, the Committee, or any Subcommittee, is authorized:

(a) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or had adjourned;

(b) to hold hearings; and

(c) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary.

(2) A subpoena may be authorized and issued by the Committee or a Subcommittee under subparagraph (1)(c) in the conduct of any investigation or activity or series of investigations or activities, when authorized by a majority of the Members voting, a majority being present.

(3) The power to authorize and issue subpoenas is also delegated to the Chairman of the Full Committee.

(4) Authorized subpoenas shall be signed by the Chairman of the Committee or by any Member designated by the Committee.

(5) Compliance with any subpoena issued by a Committee or a Subcommittee may be enforced only as authorized or directed by the House.

(6) The Chairman of the Committee, or any Member designated by the Chairman, may administer oaths to any witness.

(D) *Presiding Officer.*—The Chairman shall preside at meetings. If the Chairman is not present at any meeting of the Committee, the Ranking Majority Member present shall preside.

(E) *Quorums for Meetings, Markups, and Hearings.*—

(1) Except as provided below, one-third of the Members of the Committee shall constitute a quorum for the purpose of transacting Committee business.

(2) No measure or recommendation shall be reported from the Committee unless a majority of the Committee was actually present.

(3) Testimony may be taken and evidence received in any meeting at which there are present not fewer than two Members of the Committee, one of whom should be, whenever possible, a Minority Member. Unless at least two Members are present, at least one of whom is a Majority Member, the meeting must be adjourned.

(4) Proxies may not be counted for a quorum.

(F) *Open Meetings.*—Each business meeting, including the markup of legislation, of the Committee and its Subcommittees shall be open to the public, except as provided below.

(G) *Closed Meetings.*—

(1) The Committee or Subcommittee, by a rollcall vote in open session and with a majority present, may determine that all or a part of the remainder of the business meeting, including the markup of legislation, on that day shall be closed to the public.

(2) If the meeting or markup is closed, no person other than Members of the Committee, and Congressional staff and departmental representatives as the Members may authorize, may be present.

(3) Any meeting that relates solely to internal budget or personnel matters may be closed by the Chairman after consultation with the Ranking Minority Member.

(H) *Closed Hearings.*—

(1) Each hearing conducted by the Committee or a Subcommittee shall be open to the public except when the Committee or Subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence or other matters to be considered would endanger the national security or would violate any law or Rule of the House of Representatives.

(2) Notwithstanding paragraph (1), a majority of those present, if the number required for the purpose of taking testimony are present, may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or tend to defame, degrade, or incriminate any person.

(3) The Committee or Subcommittee may by the same procedure, vote to close one subsequent day of hearing.

(4) No Member of the House may be excluded from nonparticipatory attendance at any hearing of the Committee or its Subcommittees, unless the House of Representatives, by majority vote, authorizes the Committee or the Subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures for closing hearings to the public.

(I) *Investigative Hearings.*—

(1) The Chairman shall announce in the opening statement the subject of the investigation.

(2) Except as provided by the rule for closing an investigative hearing, the Chairman shall receive and the Committee shall dispose of requests to subpoena additional witnesses.

(3) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Committee.

(4) At the discretion of the Committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(J) Closed Investigative Hearings.—

(1) Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person, such testimony or evidence shall be presented in executive session, if by a majority of those present, there being in attendance the requisite number required under the Rules of the Committee to be present for the purpose of taking testimony, the Committee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person.

(2) The Committee shall proceed to receive such testimony in open session only if a majority of the Members of the Committee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

(3) In either case, the Committee shall afford such person an opportunity voluntarily to appear as a witness, and shall receive and dispose of requests from such person to subpoena additional witnesses.

(K) Questioning of Witnesses.—

(1) Committee Members may question witnesses only when they have been recognized by the Chairman for that purpose. All questioning shall be pertinent to the subject matter of the hearing.

(2) After completing his questioning, the Chairman shall recognize the other Members beginning with the Ranking Minority Member and then the Ranking Majority Member, and thereafter, alternating between Minority and Majority, taking into consideration the ratio of Majority to Minority representation on the Committee. Each Member may request up to five minutes in each round of questioning. Additional time may be extended at the discretion of the Chairman.

*(L) Minority Witnesses.—*A majority of the Minority Members shall be entitled, upon request to the Chairman before the completion of any hearing, to call witnesses with respect to that measure or matter during at least one day of hearing.

*(M) Points of Order.—*No point of order shall lie with respect to any measure reported by the Committee on the ground that hearings on the measure were not conducted in accordance with the Rules governing open or closed hearings, public notice of hearings, or the requirements for advance filing and summarizing of statements by witnesses; except that a point of order on these grounds may be made by any Member of the Committee if, in the Committee, the point of order was timely made, and improperly overruled or not properly considered.

*(N) Ordering of Rollcall Votes.—*A rollcall vote may be ordered by one-fifth of the Members present.

(O) *Proxies.*—

(1) A Member may vote by proxy only on a specific measure or matter and any amendments or motions pertaining to it; except that a Member may authorize a proxy for all motions to recess, adjourn, or other procedural matters.

(2) In order to be considered a valid and duly executed proxy, the proxy authorization must: be in writing; assert that the Member is absent on official business, or is otherwise unable to be present at the meeting of the Committee; designate the person who is to execute the proxy authorization; and be signed by the Member assigning his or her vote, noting the date and time that the proxy was signed.

(3) For a proxy to be valid in sessions on succeeding days, it must be stipulated in the proxy, and if not stipulated, cannot be voted.

(4) All executed proxies shall be delivered to the Clerk and kept at the desk during the proceedings of the Committee for which they are given and shall be included in the official records of the meeting after they have been voted.

(5) Points of order as to the validity of proxies must be made at the time the proxies are voted.

(6) Proxies may not be counted for a quorum.

(P) *Limitation on Floor Action Under Suspension of the Rules.*—No bill which directly or indirectly authorizes the expenditure of over \$1 million in Federal funds shall be brought to the House Floor by the Committee under Suspension of the Rules if the text of the bill has been changed after it was reported by the Committee unless:

(1) the changes are purely technical and conforming; or

(2) all Members of the Committee have been provided a written copy of the changes at least twenty-four hours prior to the time the bill is considered in the House.

RULE VII. WITNESSES

(A) *Advance Testimony Requirements.*—A witness shall not be permitted to testify or present evidence, nor will any statement or testimony be included in the Committee hearing record, unless seventy-five copies of the testimony have been delivered to the Clerk of the Committee at least twenty-four hours (excluding Saturdays, Sundays, and legal holidays) prior to the meeting. At least ten of these copies must be delivered at least forty-eight hours (excluding Saturdays, Sundays, and legal holidays) prior to the meeting. These requirements may be waived only by the Chairman.

(B) *Written Summary.*—Each prepared statement of ten pages or more shall include a summary which may not exceed five pages in length.

(C) *Federal and Administration Witnesses.*—To the extent feasible, statements and testimony of witnesses from Federal and Administrative agencies shall be accompanied, if not previously received, by fifty copies of the Federal agency report requested by the Committee on the matters pending before it.

(D) *Ten Minute Oral Testimony.*—Witnesses will be allowed no more than ten minutes to orally summarize their prepared statement. The full statement will be made a part of the record.

(E) *Investigative Hearing Witnesses.*—

(1) A copy of the Committee Rules shall be made available to each witness.

(2) Witnesses may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(3) The Chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the Committee may cite the offender to the House for contempt.

(4) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the Committee.

(F) *Responses/Information for the Record.*—Responses to Members' or staff questions and other information offered for the record, shall be submitted, in triplicate, to the Committee Clerk within forty-five days from the time of the request. One copy will be retained by the Clerk for printing and the remainder transmitted to the appropriate Majority and Minority Counsels.

(G) *Availability of Records.*—The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule XXXVI of the Rules of the House of Representatives. The Chairman shall notify the Ranking Minority Member of any decision pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any Member of the Committee.

RULE VIII. BROADCASTING OF COMMITTEE MEETINGS

The Chairman may permit any public hearing or meeting to be televised, broadcast by radio, photographed, or otherwise recorded, subject to the following requirements:

(1) At the request of any Committee Member present, a majority vote must be taken to permit the use of such equipment during the hearing or meeting.

(2) Radio and television tapes and television film of any coverage shall not be used, or made available for use, as partisan political campaign material to promote or oppose the candidacy of any person for elective public office.

(3) The coverage of Committee hearings and meetings by television broadcast, radio broadcast, or still photography is a privilege and shall be permitted and conducted only in strict conformity with the purposes, provisions, and requirements of these Rules.

(4) If the television or radio coverage of the hearing or meeting is live, it shall be conducted and presented without commercial sponsorship.

(5) All persons providing coverage of the meeting shall be accredited to the appropriate Gallery.

(6) No witness served with a subpoena by the Committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all recorders or microphones used for coverage shall be turned off.

(7) The number of television cameras allowed in the hearing or meeting room is at the discretion of the Chairman. If necessary, the allocation among the television media of these positions shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Gallery.

(8) Members of the media and their equipment shall not obstruct in any way the space or visibility between any witness and any Member of the Committee nor obstruct unnecessarily coverage by the other media.

(9) No audio-visual equipment will be allowed on the dais without the express prior approval of the Chairman.

(10) Fixed audio-visual equipment shall not be installed in, or removed from, the hearing or meeting room while the Committee is in session.

(11) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(12) The number of still photographers allowed in the hearing or meeting room is at the discretion of the Chairman. If necessary, allocation among this media shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers. Preference shall be given to photographers from Associated Press Photos and United Press International Newspictures.

RULE IX. COMMITTEE RECORDS

(A) *Votes.*—

(1) The Committee shall keep a complete record of all Committee action which shall include a record of the votes on any question on which a rollcall vote is demanded.

(2) The result of each rollcall vote—including a description of the issue, the name of each Member voting for and against, and whether by proxy or in person, and the names of those Members present but not voting—shall be available for inspection by the public at reasonable times in the offices of the Committee.

(B) *Separate Files.*—All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the Congressional office records of the Chairman. These records shall be

the property of the House and all Members of the House shall have access.

(C) *Permanent Records.*—The Clerk of the Committee shall, within three days after the final adjournment of a Congress, deliver to the Clerk of the House all bills, joint resolutions, petitions, and other papers referred to the Committee, together with all evidence taken by the Committee under the order of the House during that Congress and not reported to the House.

(D) *Open Hearings.*—

(1) Records and transcripts of open hearings before the Committee shall not be available to the public for quotation of any Member until after that Member has had an opportunity to examine and approve them. No more than forty-five days after the conclusion of hearings, the transcript shall be closed and no further changes may be made.

(2) In no instance will the Committee staff distribute, or prepare for distribution, to persons, other than Members and witnesses for the purpose of correction, any open hearing transcript that has not yet been closed and transmitted to the Government Printing Office for publication.

(E) *Closed Meetings.*—Transcripts and records of closed meetings shall be available to Members of the House of Representatives and Merchant Marine and Fisheries Committee staff for inspection in the offices of the Committee, but may not be released or divulged to any other person without the consent of the Chairman or a majority of the Committee. In no event shall executive session transcripts and records be taken from the Committee offices by anyone.

(F) *Markup Transcripts.*—In no event shall markup transcripts and records be taken from the Committee offices by anyone.

RULE X. COMMITTEE REPORTS AND PUBLICATIONS

(A) *Activities Report.*—The Committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on its activities under Rules X and XI of the House during the Congress ending at noon on January 3 of that year.

(B) *Procedures for Reporting.*—

(1) The Chairman shall report or cause to be reported promptly to the House any measure approved by the Committee and shall take or cause to be taken necessary steps to bring the matter to a vote.

(2) The report of the Committee on a measure which has been approved by the Committee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the Clerk of the Committee a written request, signed by a majority of the Members of the Committee, for the reporting of that measure. Upon the filing of this request, the Clerk of the Committee shall immediately notify the Chairman.

(C) *Minority, Supplemental, or Additional Views.*—

(1) Members of the Committee must give notice to the Committee Clerk of intention to file supplemental, minority, or additional views within twenty-four hours after the time of ap-

proval of any measure or matter by the Committee (excluding Saturdays, Sundays, and legal holidays).

(2) Members shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) from the time of approval of any measure or matter, in which to file such views, in writing and signed by that Member, with the Clerk of the Committee.

(3) The provisions of subparagraphs (1) and (2) do not preclude—

(a) the immediate filing or printing of a Committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this paragraph, or

(b) the filing by the Committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by the Committee upon that measure or matter.

(D) *Committee Report Requirements.*—Committee reports shall be printed in a single volume and include the following:

(1) with respect to each rollcall vote to report any bill or resolution, the total number of votes cast for and against, the name of each Member voting for and against, and whether by proxy or in person, and the names of those Members present but not voting;

(2) the oversight findings and recommendations required pursuant to clause 2(b)(1) of Rule X of the House Rules, separately set out and clearly identified;

(3) the statement required by section 308(a) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the measure provides new budget authority or new or increased tax expenditures;

(4) the estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974, separately set out and clearly identified, if timely submitted;

(5) a summary of the oversight findings and recommendations made by the Committee on Government Operations under clause (4)(c)(2) of Rule X of the House Rules, separately set out and clearly identified, if it has been submitted to allow for the Committee's consideration during deliberations on the measure;

(6) on each bill or joint resolution of a public character, a detailed analytical statement as to whether its enactment into law may have an inflationary impact on prices and costs in the operation of the national economy;

(7) on a bill or a joint resolution repealing or amending any statute or part thereof, in the report or in an accompanying document—

(a) the text to be repealed; and

(b) a comparative print showing by stricken-through type and italic, parallel columns, or other appropriate typographical devices, the omissions and insertions proposed to the statute;

(8) all supplemental, minority, or additional views filed by one or more Members of the Committee; and

(9) on its cover, a recital that any material submitted under subparagraphs (4), (5), and (8) above are included as part of the report.

(E) *Approval by Chairman.*—All Committee or Subcommittee prints and other material prepared for public distribution shall be approved by the Chairman of the Full Committee prior to distribution.

RULE XI. USE OF COMMITTEE FUNDS FOR TRAVEL

(A) *Authorization.*—All travel of Members and staff of the Committee or its Subcommittees, to hearings, meetings, conferences, investigations, foreign conferences and meetings, and all foreign travel, must be authorized by the Chairman prior to any public notice or the actual travel.

(B) *Trip Report.*—A substantive report shall be filed with the Chairman within thirty days after any Committee trip or any trip related to matters of Committee jurisdiction which has been approved by the Chairman.

(C) *Domestic Travel.*—Funds authorized for the Committee under Clause 5 of Rule XI of the House Rules are for expenses incurred in the Committee's activities within the United States.

(D) *Foreign Travel.*—

(1) Local currencies owned by the United States shall be made available to the Committee and its employees engaged in carrying out their official duties outside the United States, its Territories or Possessions.

(2) No appropriated funds shall be expended for the purpose of defraying expenses of Members of the Committee or its employees in any country where local currencies are available for this purpose.

(3) The following conditions apply to travel outside the United States or its territories or possessions:

(a) No Member or employee of the Committee shall receive or expend local currencies for subsistence in any country for any day at a rate in excess of the maximum per diem rate set forth in applicable Federal law, or if the Member or employee is reimbursed for any expenses for such day, then the lesser of the per diem or the actual, unreimbursed expenses (other than for transportation) incurred by the Member or employee during that day.

(b) Each Member or employee of the Committee shall make to the Chairman of the Committee an itemized report showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, and any funds expended for any other official purpose and shall summarize in these categories the total foreign currencies and/or appropriated funds expended.

(c) All such individual reports shall be filed, no later than sixty days following the completion of travel, with the Chairman of the Committee for use in complying with

the reporting requirements in applicable Federal law and shall be open for public inspection.

(4) In carrying out the Committee's activities outside of the United States in any country where local currencies are unavailable, a Member or employee of the Committee may not receive reimbursement for expenses (other than for transportation) in excess of the maximum per diem set forth in applicable Federal law, or if the Member or employee is reimbursed for any expenses for such day, then the lesser of the per diem or the actual unreimbursed expenses (other than for transportation) incurred, by the Member or employee during any day.

(5) A Member or employee of the Committee may not receive reimbursement for the cost of any transportation in connection with travel outside of the United States unless the Member or employee has actually paid for the transportation.

(E) *Lame Duck Members.*—No local currencies owned by the United States and made available to the Committee, no primary expense resolution, and no additional expense resolution of the Committee may provide for the payment or reimbursement of expenses incurred by any Member of the Committee for travel after the general election in which the Member is not elected to the succeeding Congress, or in the case of a Member who is not a candidate, the earlier of the general election date or the adjournment sine die of the last regular session of the Congress.

RULE XII. COMMITTEE AND SUBCOMMITTEE STAFF

(A) *Hiring Practices/Terms of Employment.*—The staff members of the Committee—

(1) shall be appointed on a permanent basis, without regard to race, creed, sex, or age, and solely on the basis of fitness to perform the duties of their respective positions;

(2) shall not engage in any work other than Committee business; and

(3) shall not be assigned any duties other than those pertaining to Committee business.

(B) *Limitation on Appointing Government Personnel.*—The Committee shall not appoint to its staff any experts or other personnel detailed or assigned from any department or agency of the Government, except with the written permission of the Committee on House Administration.

(C) *"Clause 5" Appointments.*—

(1) From the funds provided for the appointment of Committee staff pursuant to primary and additional expense resolutions—

(a) The Chairman of each standing Subcommittee is authorized to appoint one staff member who shall serve at the pleasure of the Subcommittee Chairman.

(b) The Ranking Minority Member of each standing Subcommittee is authorized to appoint one staff person who shall serve at the pleasure of the Subcommittee Ranking Minority Member.

(c) The staff members appointed pursuant to the provisions of (a) and (b) shall be compensated at a rate deter-

mined by the Subcommittee Chairman not to exceed: (1) 75 per centum of the maximum established in paragraph (c) of clause 6 of Rule XI of the House Rules, or (2) the rate paid the staff member appointed pursuant to subparagraph (a) of this paragraph.

(2) Subcommittee staff members appointed under paragraph (1) are subject to the supervision and control of, and shall be responsible to, the Subcommittee Chairman or Ranking Minority Member of the Subcommittee, as appropriate.

(D) *"Clause 6" Appointments.*—

(1) The Committee shall appoint, by a majority vote, from a list submitted by the Chairman, appropriate professional and clerical staff personnel, in accordance with the provisions of clause 6 of Rule XI of the House Rules.

(2) Each employee on the professional, clerical and investigating staff of the Committee shall be entitled to pay at a single gross per annum rate, to be fixed by the Chairman, which does not exceed the maximum rate of pay, as in effect from time to time, under applicable provisions of law.

(3) Subject to the provisions of paragraph (C)(2), each Committee staff member, other than a member appointed pursuant to the request of Minority Members, is assigned to the Chairman for the purposes of general supervision and control and shall perform such duties as the Chairman may assign.

(4) In the case of staff members appointed pursuant to the request of Minority Members, the Ranking Minority Member shall exercise general supervision and control, subject to the assignments designated by Minority Members in accordance with clause 6 of Rule XI of the House Rules.

(5) When any staff member is assigned directly to Subcommittee staff duties, the staff member shall remain under the general supervision and control of the Chairman of the Committee or Ranking Minority Member of the Committee as appropriate, but under the direct control of the Subcommittee Chairman or Subcommittee Ranking Minority Member, as appropriate, for duty assignment purposes.

(6) The Committee, by majority vote, may terminate the services of any staff member appointed by the Committee and may, from time to time, take appropriate action to fill any staff vacancies.

RULE XIII. COMMITTEE BUDGET

(A) *Annual Budget.*—

(1) At the beginning of each session, after consultation with each Subcommittee Chairman, the Chairman shall propose and present to the Committee for its approval a budget of the estimated funds necessary for all anticipated activities and programs of the Committee and its Subcommittees, that will be requested under a primary expense resolution submitted in accordance with clause 5 of Rule XI of the House Rules.

(2) In presenting the budget, the Chairman shall ensure that it contains sufficient funds to enable the Committee and each

Subcommittee to discharge its responsibilities for legislation and oversight.

(B) *Additional Expense Resolutions.*—Authorization for the payment of additional or unforeseen Committee and Subcommittee expenses may be procured by one or more additional expense resolutions processed in the same manner as set out above.

(C) *Monthly Accounting.*—

(1) Once monthly, the Chairman shall require the appropriate staff personnel to prepare a full and detailed accounting of all expenditures made during the period since the last accounting from the amount budgeted to the Full Committee.

(2) Each report shall show the amount and purpose of each expenditure and the budget to which the expenditure is attributed.

(3) Each report shall be available, upon request to the Committee Clerk, to any Member of the House of Representatives.

RULE XIV. CHANGES IN THE COMMITTEE RULES

The Rules of the Committee may be modified, amended, or repealed, by a majority vote of the Committee, provided that two legislative days written notice of the proposed change has been provided each Member of the Committee prior to the meeting date on which the changes are to be discussed and voted upon.

APPENDIX

HOUSE RULE XI (2)(k)—INVESTIGATIVE HEARING PROCEDURES

(k)(1) The chairman at an investigative hearing shall announce in an opening statement the subject of the investigation.

(2) A copy of the committee rules and this clause shall be made available to each witness.

(3) Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person,

(A) such testimony or evidence shall be presented in executive session, notwithstanding the provisions of clause 2(g)(2) of this Rule, if by a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony, the committee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person; and

(B) the committee shall proceed to receive such testimony in open session only if a majority of the members of the committee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

In either case the committee shall afford such person an opportunity voluntarily to appear as a witness, and receive and dispose of requests from such person to subpoena additional witnesses.

(6) Except as provided in subparagraph (5), the chairman shall receive and the committee shall dispose of requests to subpoena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

